

BOARD OF PUBLIC WORKS & SAFETY
SEPTEMBER 7, 2006 MINUTES
PAGE 1

Mayor Charles Henderson called the meeting to order at 8:30 a.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis;
and Director of Engineering Paul Peoni.

Mr. Beville moved to accept the minutes of August 24th as presented. Second by Mr. Hoover. Vote: Ayes.

Tony Haslinger of Regency Centers came forward with a request to dedicate the traffic signals at Greenwood Springs and also present traffic signal and traffic signage easements for acceptance. These two signals along Emerson Avenue by Wal-Mart have been functioning since last October. The easement documents have been executed by the lot owners. Mr. Peoni confirmed the location of the signals and added that there are five separate traffic signal and traffic signage easement documents. One is from First Indiana Bank, lot 5; one from Union Federal, lot 6; Wal-Mart, lot 2; two from Regency Realty Group, lots 4 and 7. The City Attorney prepared the documents and the Engineering Department reviewed the legal descriptions and exhibits. Mr. Peoni noted that everything appears to be in order; however, he would like our contractor, Midwestern Electric, to inspect the wiring and the timings. They have not had a chance to do that, he added. Mr. Beville moved to accept the traffic signals and easements at Greenwood Springs on the condition of final review and acceptance by the Engineering Department. Second by Mr. Hoover. Vote: Ayes.

For Main Street Shoppes, Steve Parsons of Parsons Construction and Nick Kirkendall of Ohio Properties, LLC asked for acceptance of a sidewalk easement grant, acceptance of performance bonds, and acceptance of the Inspection & Testing Agreement. The subject property is on Main Street near Emerson Avenue, where the old Hardee's was located. Mr. Peoni listed the performance letters-of-credit for the record. The City Attorney is preparing the Sidewalk Easement Grant and is waiting for information from the petitioner. The Engineering Department needs to finalize review of the legal description, Mr. Peoni stated. Mr. Hoover moved to:

- 1) Accept the Inspection & Testing Agreement for all items except sanitary sewer and ratify acceptance of the 50% fee.
- 2) Accept performance letter-of-credit #461 from Bloomfield State Bank in the amount of \$115,293 for the private dirtwork and storm sewer.
- 3) Accept performance letter-of-credit #464 from Bloomfield State Bank in the amount of \$11,734 for the private erosion control.
- 4) Accept performance letter-of-credit #471 from Bloomfield State Bank in the amount of \$2,493 for the private signs & monuments.
- 5) Accept performance letter-of-credit #463 from Bloomfield State Bank in the amount of \$2,965.38 for the dirtwork and storm sewers in the public right-of-way.
- 6) Accept performance letter-of-credit #465 from Bloomfield State Bank in the amount of \$2,715.90 for the erosion control in the public right-of-way.
- 7) Accept performance letter-of-credit #469 from Bloomfield State Bank in the amount of \$19,597.60 for the street improvements in the public right-of-way.
- 8) Accept performance letter-of-credit #467 from Bloomfield State Bank in the amount of \$5,372.40 for the sidewalks in the public right-of-way.
- 9) Accept the Sidewalk Easement Grant, all subject to:
 - a. Final review and approval of those guarantees by the Engineering and Law departments.
 - b. Final review and approval of the Sidewalk Easement Grant by the Engineering and Law Departments.

BOARD OF PUBLIC WORKS & SAFETY
SEPTEMBER 7, 2006 MINUTES
PAGE 2

Second by Mr. Beville. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates represented Pinehurst Condominiums to request execution of an as-built sub-plat for buildings #2 and #24. Mr. Peoni told the Board that Engineering and Planning departments need to do a final review. The plat will be held until it is approved. Mr. Hoover moved to execute the as-built plat for buildings #2 and #24, subject to final review and approval by the Engineering and Planning departments. Second by Mr. Beville. Vote: Ayes.

John Grimes of Projects Plus, for Trotters Pointe, Phases 1 & 2, asked for acceptance of the sanitary sewers, acceptance of maintenance bonds and release of performance bonds. The mylar as-builts were delivered to Mr. Peoni today. Sanitation Superintendent Keith Meier has issued his acceptance letter for the sanitary sewers for both phases. Mr. Peoni also verified that everything in the field appears to be in order and indicated he had been waiting for the revisions on the as-builts, which apparently have now been done. Two maintenance letters-of-credit from Pedcor Bancorp have been received - #2006015 in the amount of \$39,287 for the sanitary sewers at Trotters Pointe, Phase 1 and #2006014 in the amount of \$16,300 for the sanitary sewers at Trotters Pointe, Phase 2. They are asking for release of performance letter-of-credit #2005006 in the amount of \$196,436 for the sanitary sewers in Trotters Pointe, Phase 1 and the release of performance letter-of-credit #2005003 in the amount \$81,498 for the sanitary sewers in Trotters Pointe, Phase 2. The amounts and improvements shown on the maintenance letters-of-credit are correct, but the form needs the final review of the City Attorney. Mr. Hoover moved to

- 1) Accept the sanitary sewers for Trotters Pointe, Phase 1 and 2, subject to final review and approval by the Engineering Department.
- 2) Accept the maintenance guarantees as described, subject to final review and approval of the form by the City Attorney.
- 3) Release the performance bonds as described, all subject to final review of payment of the Inspection & Testing fees.

Second by Mr. Beville. Vote: Ayes.

Representing Brookhaven, Section 2 was Ben Kuhn of Mann Properties to request a Sanitary Sewer Service Agreement. Mr. Beville moved to approve the Sanitary Sewer Service Agreement for Brookhaven, Section 2, subject to review by the Engineering Department, and authorize the Mayor to sign on behalf of the Board. Second by Mr. Hoover. Vote: Ayes.

Graham Lewis of Paul I. Cripe Engineering, for Clark-Pleasant West Elementary, requested a street/curb cut permit on County Road 125 W for installation of a 36-inch storm sewer. The site is just south of CR 700 N (Stones Crossing). Mr. Peoni explained that Timber Valley replaced the 36" pipe two or three years ago when they built their subdivision, as a requirement before they did the road improvements. It was installed at the elevation of the field at that time, but now the pipe needs to be lower because of the school's detention area. Mr. Lewis was not sure of the length of time the road would be closed; however he thought the pipe should be installed fairly soon. There was discussion about the timing of the closure for fall break for the school and also about the fact that the road was just rebuilt. Mr. Peoni told the Board that we had very little input on this project since it went through the County process. He also explained that he wants the road cut repair detail to show going back 50' each way from the cut for milling and backfill and Mr. Peoni also feels there should be bonding – more than the customary \$5000 permit bond. Boring of a water line was next discussed, and Mr. Peoni wanted permits from that utility, keeping the permits separate. After more discussion, Mr. Hoover moved to grant the request for the right-of-cut

BOARD OF PUBLIC WORKS & SAFETY
SEPTEMBER 7, 2006 MINUTES
PAGE 3

permit on CR 125W for a storm sewer pipe replacement and the necessary work for the water line and the sanitary line, all pending approval of revised plans for the installation of those improvements by the Engineering Department, including an acceptable detour plan and appropriate notifications to City, schools, emergency services. Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers was next. The first violation at 1241 Treetop Lane is reported to be abated.

A complaint was received July 17th from the next door neighbor about 591 N. Meridian Street regarding overgrown shrubbery blocking the sight line for traffic on northbound Meridian. On July 18th Mr. Myers left his business card and a copy of the ordinance and made notation to contact Code Enforcement. There was no response from the resident. On August 15th, Mr. Myers took pictures of the violation site. On August 18th, County records showed that the owner is Kathryn Gillette. Certified letters and owner were sent certified letters to appear at today's meeting of the Board of Public Works and Safety. Certified receipts were received. Pictures were taken this morning, and the violation has not yet been abated. Ms. Gillette was invited to speak. She told the Board she had spoken with the neighbor and recounted that she had received notification late, as she has moved. She asked for a week to have the trimming completed. Mr. Beville moved to find that a nuisance exists at 591 N. Meridian Street, to direct the City Attorney to issue a 7-Day Notice of Abatement, and failing that she take whatever steps she deems appropriate to abate the nuisance and charge the costs back to the property owner. Second by Mr. Hoover. Vote: Ayes.

From the audience Mike Yeager came forward representing Calvert Development, LLC to bring a 15-Year Law Sewer Service Agreement for Calvert Farms, Section 1 that has already been executed by the City Attorney and Director of Engineering. He asked that the Mayor and Clerk-Treasurer sign.

Ed Stehno of American Environmental was next to discuss the installation of a groundwater remediation system at 1141 E. Main Street. The remediation system is to treat groundwater and soil impacts that exist both on and off the site. A memo of explanation is in the attachments of this meeting. Flow rates are expected to be significantly lower after an initial system startup period. Mr. Stehno indicated that this had been approved by the Indiana Department of Environmental Management (IDEM). Mr. Peoni expressed concerns about the amount of water pumped into the storm sewer system. Mr. Stehno had told him that the other option would be a ditch or a stream. There was more discussion of the amount of water, and the fact that it would be a constant flow and comments from the Sanitation Superintendent. Mr. Peoni believes that the storm sewer near the site goes behind Jonathan Byrd's to two apartment complexes and then to Grassy Creek. The Mayor mentioned water problems in the Lakeview area and asked about a time-line. Mr. Stehno mentioned late October or early November. Mayor Henderson said he would like to take a couple of more weeks to study options. A trailer will be the only thing visible above ground. Mr. Stehno has no knowledge of planned development at this point. There is an environmental issue on the property. It was the consensus of the Board to have this issue on the agenda of the next regular meeting in two weeks.

Dane Waltman, on behalf of Northpointe Surveying, requested a curb cut onto Marlin Drive at State Road 135 for Carpet Country. Mr. Peoni told the Board that a site visit has been made and it appears this would not disrupt anything. Mr. Hoover moved to grant the curb cut request, subject to final plan approval, obtaining the permit and bonding over and above the normal street cut permit of \$5,000 subject to approval by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

BOARD OF PUBLIC WORKS & SAFETY
SEPTEMBER 7, 2006 MINUTES
PAGE 4

Police Chief Joe Pitcher discussed a Purchase Lease from Ford Motor Credit Company for the purchase of 15 black and white vehicles with light bars, trade-in of 12 at 6.05% interest rate. Mr. Beville moved to approve the Purchase Lease Agreement subject to final approval by the City Attorney and authorize the Mayor to sign. Second by Mr. Hoover. Vote: Ayes.

On her Status of Tasks, Ms. Koons-Davis discussed the single-parcel Sewer Service Agreement for SSJ, Investments, LLC (Dr. Stacy Johnson) to serve his dental office near State Road 135 and Stones Crossing that was authorized by the Board at the May 19, 2005 meeting. The Board did not authorize the Mayor to sign on the Board's behalf, and the agreement is ready for signature. Mr. Beville moved to authorize the Mayor to execute the Single-Parcel Sewer Service Agreement between the City of Greenwood and SSJ Investments, LLC in the Board's behalf. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni, on his Status of Tasks, discussed the Sign Solutions site and presented its Inspection & Testing Agreement for all items except sanitary sewer. Mr. Hoover moved to accept the Inspection & Testing Agreement for Sign Solutions and ratify acceptance of the 50% upfront fee. Second by Mr. Beville. Vote: Ayes.

The CarX Service Center near Menards on State Road 135 asks for acceptance of its Inspection & Testing Agreement for all items except sanitary sewer. Mr. Beville moved to accept the Inspection & Testing Agreement for CarX and ratify the acceptance of the 50% upfront fee. Second by Mr. Hoover. Vote: Ayes.

Regarding the LS Ayres demolition, Mr. Peoni read a letter from the attorney for the Greenwood Park Mall regarding the sidewalks in the County Line Road right-of-way along the mall frontage. The attorney thought most of the details had been worked out with the City of Indianapolis but the issue of who maintains the sidewalks is still up in air. The sidewalks would be from the traffic signal at the former Target entrance all the way east to Logan's Steakhouse. The issue has been the subject of much heated discussion, said Ms. Koons-Davis. The consensus of the Board was to send the issue back to the Plan Commission, since the City of Greenwood is not inclined to maintain sidewalks in the Indianapolis right-of-way.

Mr. Beville moved that the claims be accepted as presented through September 7th. Second by Mr. Hoover. Vote: Ayes.

There was more discussion on the mall, including the demolition of the existing Taco Bell building. Mayor Henderson reminded the Board that the curb cut onto Fry Road by the existing building is there because of Taco Bell's contract with the mall. It is now right in, right out only. He wondered if they would lose the grandfather status. People still cross over the median, said the Mayor. The City Attorney will investigate.

With no further business, the meeting adjourned at 8:45 a.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer